

Exhibit D to Ferber Declaration
Part 3

1 ANDERSON

2 tell you that you wouldn't have to offer
3 any testimony other than in the form of
4 that affidavit?

5 A. Yeah, his lawyer said I
6 probably wouldn't have to testify. They
7 said it would be a block party in
8 Brooklyn.

9 Q. Which lawyer was this?

10 A. Victor.

11 Q. Victor Dunlop?

12 A. Yeah, I think so.

13 Q. Do you recall when you first
14 communicated with Victor Dunlop or he
15 first communicated with you?

16 A. I don't remember exactly.
17 It was during that same week.

18 Q. It was within less than a
19 week after your first meeting with
20 Mr. Jones?

21 A. Yes.

22 Q. And did you first hear from
23 Mr. Dunlop by telephone or by some other
24 method?

25 A. Telephone.

1 ANDERSON

2 Q. And do you recall what he
3 said to you when he called you?

4 A. Yeah. He was telling me
5 that -- like he said whatever -- he said,
6 I don't know exactly what Antonne told
7 you, but he said he's a pretty good dude,
8 he's a man of his word, I'm not gonna get
9 into that, but if you come onboard with
10 us, you know, it'll be a block party.

11 Q. Did you ever tell Mr. Dunlop
12 that you had never read The Family?

13 A. Yes.

14 Q. And did he say anything in
15 response to you when you told him that?

16 A. No. He just said that, you
17 know, whatever you and Antonne discussed,
18 I don't know what it was, but whatever he
19 says, he's a man of his word.

20 Q. Did Mr. Dunlop ask you to
21 sign an affidavit at any point in time?

22 A. He asked me to look over it,
23 and I told him that I had to get it to my
24 lawyer, you know, it's gonna take a few
25 days and I'll get back to him.

1 ANDERSON

2 Q. Do you recall whether he
3 asked you to look at the affidavit after
4 you had told him that you had never read
5 The Family?

6 A. Yeah.

7 Q. He did?

8 A. Yeah. I mean, he had sent
9 me other affidavits later on.

10 Q. How many affidavits do you
11 recall Mr. Dunlop sending you?

12 A. I think it was one other
13 affidavit. And then some months had
14 passed, and I talked to Antonne, and, you
15 know, he was texting me back and forth,
16 and he said that they would represent me
17 in suing Damon, you know, on a
18 contingency. And he was saying, you
19 know, that he knew he worked there --
20 worked with Roc-A-Fella in some fashion
21 or something, and he knew them guys, you
22 know, he grew up with them or whatever
23 and he knew 'em.

24 Q. Who said this?

25 A. Victor or one of them dudes.

1 ANDERSON

2 Q. You think it was Victor
3 Dunlop who said that?

4 A. Yeah, yeah.

5 Q. And do I understand you to
6 be saying that he said he would represent
7 you in a claim against Damon?

8 A. Yeah.

9 Q. Did he condition the
10 proposal to represent you in a suit
11 against Mr. Dash upon your doing
12 something?

13 MR. WOTORSON: Objection to
14 form.

15 BY MR. FERBER:

16 Q. On what, if anything, was
17 the offer to represent you against
18 Mr. Dash conditioned?

19 A. He said if I signed the
20 affidavit, then he would represent me
21 with the Damon Dash case.

22 Q. Did he say anything about
23 the terms under which he would represent
24 you against Damon Dash?

25 MR. WOTORSON: Objection to

1 ANDERSON

2 form.

3 THE WITNESS: What do you
4 mean by the terms?

5 BY MR. FERBER:

6 Q. Well, was anything said by
7 Mr. Dunlop about how or whether he would
8 be compensated if you retained him to
9 represent you in a suit against Mr. Dash?

10 A. No.

11 Q. Do you recall how many times
12 you spoke with Mr. Dunlop?

13 A. Maybe three times.

14 Q. Do you recall when the last
15 time was?

16 A. Maybe the beginning of
17 February.

18 Q. The beginning of this
19 February?

20 A. Yeah. It was either the end
21 of January or the beginning of February.
22 It was recent, pretty recent.

23 Q. Do you recall anything about
24 what was said in that last call?

25 A. Just that he was telling me

1 ANDERSON

2 anything about how big of a check Abdul
3 Malik got from Lions Gate?

4 MR. WOTORSON: Objection to
5 form.

6 BY MR. FERBER:

7 Q. You can answer.

8 A. Like \$50,000.

9 Q. Do you recall what you said
10 to Mr. Dunlop on that occasion?

11 A. Why the "f" did he get
12 \$50,000 when he didn't write nothing.
13 You know, he kept emails, that he had
14 emailed Lions Gate and they just recently
15 not too long ago gave him a check, so I
16 was kind of pissed about that.

17 Q. Do you recall anything else
18 that you said?

19 A. To him about that?

20 Q. No. Anything else that you
21 said at all on that call with him?

22 A. Yeah, that I would give him
23 a call back after I read through the
24 retainer agreement that he had sent, and
25 he said he sent a couple of emails and

1 ANDERSON
2 one was a affidavit and one was a
3 retainer agreement. And, you know, that
4 he would -- I told him I would get back
5 with him after I send that stuff and he
6 called me a couple times after that and I
7 didn't pick up.

8 Q. So that was actually the
9 last time that you talked to him?

10 A. Yes.

11 Q. And on that occasion when
12 you said you spoke to him for
13 approximately 45 minutes, was anything
14 said about your signing an affidavit or
15 not signing an affidavit?

16 MR. WOTORSON: Objection to
17 form.

18 MR. FERBER: I'll rephrase.

19 BY MR. FERBER:

20 Q. On that occasion when you
21 spoke with Mr. Dunlop, what, if anything,
22 was said about you signing an affidavit?

23 A. That if I signed the
24 affidavit, then, you know, they would
25 represent me during this Damon Dash suit,

1 ANDERSON

2 that I would -- and he kept saying about
3 Jay Z being released and I wouldn't have
4 to worry about that, and that's pretty
5 much it. Just sign the affidavit and he
6 would represent me on this other case.

7 So I asked him if he could
8 find out how many units were sold, you
9 know, that kind of stuff, to read over my
10 agreement, make sure I had a case against
11 Dame, and said it looks like you do, you
12 know, I wouldn't tell you if you didn't.

13 Q. Do you recall anything else
14 about that conversation?

15 A. Not right now, mow.

16 Q. And to the best of your
17 recollection, have you had any other
18 telephone conversation with him since?

19 A. No, I haven't.

20 Q. Have you received any
21 written communication, email or
22 otherwise, from him since?

23 A. Since the emails that he
24 sent me?

25 Q. No, since the conversation

1 ANDERSON

2 we were just talking about.

3 A. Yeah, he sent the emails and
4 I didn't open 'em.

5 Q. Okay. To the best of your
6 recollection, when he did this call that
7 we have been discussing take place?

8 A. About a month-and-a-half
9 ago.

10 Q. Did you ever tell Mr. Dunlop
11 in words or in substance that you were
12 not comfortable signing the affidavit?

13 A. Yeah, in the beginning.

14 Q. In the beginning meaning at
15 what point in time?

16 A. When I got the first
17 affidavit and spoke to him.

18 Q. But that was not reiterated
19 by you in words or substance in this last
20 conversation that you've been describing
21 with him?

22 A. No, we didn't really talk
23 about that. We just talked about, you
24 know, like what Lions Gate said who was
25 getting what, and, you know, stuff that,

1 ANDERSON

2 you know, kind of pissed me off with the
3 whole, you know, Damon and the whole
4 Lions Gate thing.

5 Q. During this 45-minute call,
6 did you and Mr. Dunlop discuss things
7 that were unrelated to State Property?

8 A. Unrelated?

9 Q. Yeah, that had nothing to do
10 with it?

11 A. No.

12 Q. You said earlier that in an
13 earlier communication Mr. Dunlop had
14 asked you, I think you used the term,
15 come onboard in the case; is that right?

16 A. Right.

17 Q. Was come onboard his phrase
18 or yours?

19 A. That was his phrase.

20 Q. What did you understand him
21 to mean by that?

22 A. If I sign the affidavit.

23 Q. Did you and Mr. Dunlop ever
24 discuss any sort of financial interest or
25 financial -- strike that.

1 ANDERSON

2 Did you and Mr. Dunlop ever
3 address the issue of any financial gain
4 that you might have if you came onboard?

5 A. Yeah. He said that if I
6 sign the affidavit and he represented me,
7 he said it looks like I got a case of at
8 least \$200,000 with Dame Dash.

9 Q. And did he say anything
10 about -- well, what, if anything, was
11 said about what interest in that you
12 might have?

13 A. It was mainly about the Dame
14 Dash suit.

15 Q. So just to be clear, was
16 anything said about you obtaining any
17 sort of financial interest or
18 compensation if you signed the affidavit
19 that you were being asked to sign, and by
20 that I mean compensation that would come
21 from any settlement with or judgment that
22 Mr. Jones might get?

23 A. No.

24 Q. Mr. Dunlop never said that?

25 A. No.

1 ANDERSON

2 Q. But Mr. Jones, as I
3 understand it from before, had said
4 something like that?

5 MR. WOTORSON: Objection to
6 form.

7 THE WITNESS: Yes.

8 BY MR. FERBER:

9 Q. To the best of your
10 recollection, what did Mr. Jones say
11 about an interest that you might have?

12 MR. WOTORSON: Objection to
13 form.

14 BY MR. FERBER:

15 Q. What, if anything, did
16 Mr. Jones say in that regard?

17 A. He said I would get a
18 percentage, and, you know, he's a
19 credible dude in the streets, he's a man
20 of his word, and I'm like, but I'm
21 dealing with the same situation, like I
22 trusted Damon and I ain't seen nothing,
23 and me and Damon had like a friendship
24 relationship; I trusted Will, and I
25 didn't see nothing.

ANDERSON

I keep trusting folks and they not delivering on what they say, and, you know, I don't really know you, so why would I expect any different. And he's like I'm a man of my word, I promise you, you know, you'll be taken care of.

At first I asked him could he put it on paper and he was like no, I can't do that because it will jeopardize this case. So he said, you know, trust me on it, and, you know, I'll make sure you get what you supposed to get.

Q. When was this conversation?

A. This was March when we first talked. We met like a week or so after that down in south Philly. He came passed my mom's and we sat in the car and talked.

Q. This was March of 2007?

A. Yeah, 2007.

Q. I'm sorry, were you finished with your answer?

A. Yeah. You know, we just talked about, you know, trusting him and

1 ANDERSON

2 this is not something I can just decide
3 overnight, this is going to take me some
4 time.

5 So I said well, let's just
6 keep in contact and I'll feel your
7 character out and see what type of dude
8 you are. And he had a friend of his that
9 worked at a hotel, and he gave me
10 discount rooms and stuff like that. So
11 he arranged for that to happen on a few
12 occasions. A couple times it didn't
13 happen, and I got a attitude with him,
14 and I was like, you know, you say you a
15 man of your word, if you say you do it,
16 then let me see you do it, and that was
17 sort of like what I was judging his
18 character on.

19 MR. WOTORSON: Before you go
20 to the next question, Ms. Court
21 Reporter could you just read the
22 gentleman's response back?

23 (Whereupon, the court
24 reporter read the requested
25 portion of the record.)

1 ANDERSON

2 A. When I didn't sign the
3 affidavit.

4 Q. When was that in time?

5 A. It was in July. We kind of
6 had a big argument about it.

7 Q. What did he say to you
8 during that argument?

9 A. You need to be a team
10 player, and like, you know, you come
11 onboard, and, you know -- this is the
12 kind of stuff you'll get, you'll get
13 discount rooms and stuff like that there,
14 and that's when we was sending those
15 texts back and forth.

16 Q. Other than discounted rooms,
17 were there any other favors done for you
18 by Mr. Jones?

19 A. No.

20 Q. Did Mr. Jones ever mention a
21 numerical percentage that you would
22 receive as part of a settlement?

23 MR. WOTORSON: Objection to
24 form.

25 BY MR. FERBER:

1 ANDERSON

2 Q. What, if anything, did he
3 say about what percentage you would
4 receive if you cooperated?

5 A. Five percent.

6 Q. Do you recall when he said
7 that?

8 A. It was a week after our
9 first meeting.

10 MR. SERVIN: Off the record
11 for a second.

12 - - -

13 (Whereupon, a discussion is
14 held off the record.)

15 - - -

16 BY MR. FERBER:

17 Q. Have you spoken to Mr. Jones
18 about this case in 2008?

19 A. Yes.

20 Q. Have you spoken with him
21 about this case in March of 2008, this
22 month?

23 A. No.

24 Q. Did you speak with him about
25 the case in February of 2008?

1 ANDERSON

2 A. Freeway, The Young Guns
3 Chris and Neef, Roc-A-Fella artists.

4 MR. WOTORSON: Before you
5 ask the question, what was the
6 date of that email again?

7 THE WITNESS: That was
8 7-7-07 at 6:15 p.m.

9 BY MR. FERBER:

10 Q. Now, you said something
11 about that you and he had been discussing
12 percentages. Do you recall what you had
13 been discussing about percentages?

14 A. Just, you know, if I did go
15 over and do the affidavit, and, you know,
16 they won, again, what percentage would I
17 get and was I gonna be able to get it.
18 And I remember I asked him about putting
19 it on paper, and he said it wasn't a good
20 idea for him to do that.

21 Q. And other than what you
22 testified to earlier, do you remember
23 anything about what percentage numbers
24 were discussed at this time?

25 MR. WOTORSON: Objection to

1 ANDERSON

2 form.

3 THE WITNESS: No, it stayed
4 at the same percent.

5 BY MR. FERBER:

6 Q. Okay. You said you were
7 using certain artists that you had
8 mentioned?

9 A. Right.

10 Q. Now, was Roc-A-Fella Films
11 involved with that film at all?

12 A. No.

13 Q. It was not?

14 A. No.

15 Q. Was Roc-A-Fella Records
16 involved other than --

17 A. Just artists.

18 Q. Just the artists?

19 A. Right.

20 Q. Okay. Did you have any
21 understanding as to whether the artists
22 in question were under an exclusive
23 contract with Roc-A-Fella Records?

24 A. Yeah, I understand that they
25 were.

1 ANDERSON

2 1999?

3 A. No, I wouldn't be surprised.

4 Q. And in this conversation
5 that you had with this person in the
6 barbershop, do you remember when this
7 conversation occurred?

8 A. That occurred after
9 production of State Property.

10 Q. Now, did you ever serve as a
11 runner in any organized, you know --

12 A. No.

13 Q. Okay. You told us earlier
14 that you, yourself, you know, used to
15 sell drugs. Did you work for any
16 particular people or were you
17 independent?

18 A. I started off working for
19 somebody and then I did it independently.

20 Q. But you were not working for
21 any of the large organized syndicates in
22 the Philadelphia area, were you?

23 A. No.

24 Q. Okay. Now, you also told
25 Mr. Ferber, and correct me if I'm wrong,

1 ANDERSON

2 and maybe I misheard him or heard you,
3 but Mr. Ferber asked you if you were a
4 part of JBM, and do you remember what you
5 said?

6 A. Yeah, a little bit.

7 Q. How were you a little part
8 of JBM? That wasn't true, was it?

9 A. I started off working for --

10 Q. You started working for JBM?

11 A. The cousin of the captain,
12 you know, that's who I was working with.

13 Q. You were working with a
14 cousin of a captain?

15 A. Right.

16 Q. Was the cousin of the
17 captain in JBM?

18 A. Yeah.

19 Q. Okay. So are you now saying
20 you were in JBM at one point?

21 A. Well, I mean, I wasn't
22 initiated, I didn't get a ring, I wasn't
23 no official member, but, you know, you
24 know what they say about association,
25 guilty by association.

1 ANDERSON

2 Q. So what you want to say is
3 that you were associated with JBM, but
4 you were never a member of JBM?

5 A. Yeah, I was never a member
6 of JBM.

7 Q. You were associated with a
8 cousin of a captain of JBM?

9 A. Yes.

10 Q. And you're saying that you
11 believe the cousin of the captain was a
12 member of JBM, had a ring and everything.

13 MR. FERBER: Objection.

14 BY MR. WOTORSON:

15 Q. Did the cousin have a ring?

16 A. No, he didn't have a ring.

17 Q. Was he initiated?

18 MR. FERBER: Objection.

19 THE WITNESS: I don't
20 remember what he was.

21 BY MR. WOTORSON:

22 Q. Well, you also told counsel
23 that almost 80 percent of what you wrote
24 in the screenplay came from things that
25 you had heard on the street or that you